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THE UNITED STATES SENATE
Judiciary Committee

Public Hearing
PROJECT SAFE NEIGHBORHOODS

Submitted by
The Honorable Donald R. Totaro
District Attorney, Lancaster County

May 13, 2003

I would like to thank the Committee for the opportunity to address an issue of vital concern to Lancaster County, Pennsylvania. The County has a population of about a half million, with about 50,000 in the county seat of Lancaster City. Lancaster County, best known for rolling farmland and the Amish, is located approximately 65 miles west of Philadelphia. But in 1999 alone, there were 10 firearms related murders. Several involved shootings by rival drug dealers. One took place across the street from an elementary school while children were playing outside. An innocent bystander was killed during another shooting near the same school.

Gun violence has escalated because of our proximity to New York City. Drug dealers from New York come to Lancaster, where the profit margin for their drugs is high but where the weak state laws make a few months in jail simply a cost of doing business. Because of these armed drug dealers, Lancaster City residents live in fear, with some who feel they are a hostage in their own home. Police face constant danger. The link between drug dealing and guns is clear.

Back in 2000, I knew Lancaster County was facing a crisis and that we needed help. I also knew that federal law provides a strict mandatory minimum sentence of 5 years in prison for drug dealers who possess firearms, as well as for other firearms offenses, and that the state laws are far more lenient. So in May of 2000, I met with the former United States Attorney in Philadelphia to seek federal prosecution of these violent offenders through the federal Operation Ceasefire Program.

To be perfectly candid, I was greatly disappointed by the response. All the cases I referred to the office were declined. I was not all that surprised. Lancaster County is the western-most county in the Eastern District of Pennsylvania, with Philadelphia serving as the

center of operations. Historically, there had been very little communication or cooperation between the state district attorney's office and the federal United States Attorney's Office. The focus of the U.S. Attorney was on Philadelphia and the surrounding counties. They did not recognize that the increase in violent crime in Lancaster County was having a significant impact on the citizens of the county.

In July of 2001, our relationship with the United States Attorney's Office changed drastically. Even before he took office as United States Attorney, Pat Meehan convened a meeting of all district attorneys within the Eastern District of Pennsylvania. He advised us that a program by the name of Project Safe Neighborhoods was being developed by President Bush and Attorney General John Ashcroft, to combat gun violence by referring local firearm cases to federal court. Mr. Meehan further advised us that federal grant funding would be available for the counties to hire additional prosecutors who would be devoted to the prosecution of firearm offenses in federal court. He strongly encouraged each district attorney to apply for the funding, so that he could get those Assistant District Attorneys cross-designated as Special Assistant United States Attorneys. Although my past experiences caused me to be skeptical, I supported the efforts of Mr. Meehan with the hope that our most violent of criminals would now receive the appropriate federal sentences that we cannot obtain in state court.

I promptly hired a new prosecutor, and assigned an experienced prosecutor to the gun position. It did not take me long to discover that the Project Safe Neighborhoods program was serious in referring local firearm cases to federal court. Whereas I initially questioned the commitment of the United States Attorney's Office, I now questioned why I did not apply for the four prosecutor positions eligible under the grant funding proposals. Despite the fact that only

one position was provided through federal grant funding, I chose to cross-designate a total of four state prosecutors as federal prosecutors.

To date, over 20 local cases have been adopted for federal prosecution. The majority are being prosecuted in federal court by cross-designated state prosecutors. In one case, a repeat offender who was facing only a five-year sentence in state court received a federal sentence of 15 ½ years. In another case, a persistent street criminal in Lancaster City received a federal sentence of 51 months in prison, rather than the possibility of a 15-month sentence in state court.

The Project Safe Neighborhoods Program has garnered significant attention by the local media. With the assistance of the United States Attorney's Office, we have also reinforced the message within the confines of the Lancaster County Prison. A visit to the prison by an Assistant United States Attorney was videotaped, and will be replayed to new inmates to remind them of their fate if they re-offend with a firearm.

Because of the public exposure, the lengthy federal sentences, and the reality that these sentences could be served a great distance from Pennsylvania, defendants are now asking to plead guilty in state court pursuant to a negotiated plea that greatly exceeds the standard range of the state sentencing guidelines. Furthermore, the program is now serving as a deterrent to gun crime. One cooperating defendant, recently sentenced in state court, advised the prosecutor that although he will continue to sell drugs when he is released from prison, he will no longer carry a gun. In 2001, in Lancaster City there were 119 robberies committed with firearms. In 2002, there were only 73. In the first three months of 2003, there have been only 14.

Project Safe Neighborhoods is the only resource available to county prosecutors to ensure

swift and substantial punishment for violent criminals. The Project Safe Neighborhoods message, which is clear, concise, easily understood and unequivocal, serves as a deterrent to others.

Our partnership with the United States Attorney has been unprecedented, and has allowed my office to aggressively prosecute violent criminals, and to deter others who would possess firearms while committing crimes. This enforcement does not penalize the drug addict who is in need of treatment, or the sportsman, or the law-abiding citizen who carries a weapon for protection. Project Safe Neighborhoods is designed to remove the most violent criminals from our streets.

The imposition of mandatory minimum federal prison sentences for criminals who possesses a firearm is a valuable tool in protecting the safety of our streets. The Lancaster County District Attorney's Office stands in full support of Project Safe Neighborhoods. This success would not have been possible without the commitment of United States Attorney Pat Meehan, and his Assistants Robert Reed and Mark Miller. Their tireless efforts have established a partnership and level of communication I have not seen in my 16 years as a Lancaster County prosecutor.